HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.P.NO.3684 OF 2006

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Between:

Balsu Gallen

..... Petitioner

AND

The State of Andhra Pradesh,

through Secretary to Government,

Municipal Adminsitration & Urban Development

Department, Secretariat, Hyderabad and 3 others.

.....Respondents

::JUDGMENT::

Counsel for the Petitioner : Sri Mohammed Zafarullah

Counsel for Respondent Nos 1 and 2 : Government Pleader for Municipal

Administration and Urban

Development Authority.

Counsel for Respondent No. 3 : Sri Polisetti Radha Krishna

Counsel for Respondent No. 4 : none appeared

Dated 2/3/2006

Per Sri G.S.Singhvi, CJ

This petition filed in the name of public interest for quashing memo No.14840/CMP/2005-05 dated 17.1.2006 issued by the Government of Andhra Pradesh, Municipal Administration and Urban Development Department for release of certain funds to Public Health Engineering Department for undertaking works in the area of Medak Municipality is liable to be dismissed summarily because the petitioner has not been able to show any violation of his constitutional or legal right or any violation of other statutory provisions in the sanction of funds to the Public Health Engineering Department, which has been entrusted with the works.

According to the petitioner, the local Member of the Legislative Assembly and Chairman of the Municipality, who belong to different parties, are not on good terms and due to their inter-se fighting, the development works are being hampered and

the diversion of funds, which were earlier earmarked to be spent by the municipality, to the Public Health Engineering Department has been brought about as a result of pressure brought by respondent No.4

In our considered opinion, this Court will not inter-middle in the execution of development works in the municipal area simply because there is a political rivalry between the Member of the Legislative Assembly and the Chairman of the municipality.

The petitioner's assertion that diversion of funds to the Public Health Engineering Department is likely to impede the developmental works is not supported by any tangible evidence and, therefore, we decline to take cognizance of the same and issue directions in terms of the prayer made.

With the above observation, the writ petition is dismissed.

G.S.SINGHVI, CJ

Dt.2/3/2006

G.BHAVANI PRASAD,J

Msv/vtv